

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DANIEL SMITH,	)	
	)	
Plaintiff,	)	CASE NO. 3:12-0057
	)	Chief Judge Haynes
v.	)	
	)	
SSS SECURE HOLDINGS, LLC d/b/a	)	
FINANCIAL SERVICES CENTER,	)	
	)	
Defendant.	)	

**O R D E R**

Before the Court is the Magistrate Judge's Report and Recommendation (Docket Entry No. 21) to which the Defendant has not objected within the time provided by Fed. R. Civ. P. 72(b).

The Magistrate Judge recommends that the Court award Plaintiff fifteen thousand dollars (\$15,000) and costs against the Defendant SSS Secure Holdings, LLC doing business as Financial Services Center. This award is based upon a default judgment entered by the Clerk of the Court after the Defendant failed to file a response to the complaint. (Docket Entry No. 10).

For his Report and Recommendation, the Magistrate Judge cited Plaintiff's proof of ten (10) unsolicited calls by the Defendant after Plaintiff's directive to the Defendant to cease such calls. The Defendant then employed an automatic dialing system to make these calls. The Magistrate Judge concluded that the statutory damages of five hundred dollars (\$500) for each call should be awarded for a total of five thousand dollars (\$5,000) and that this amount should be trebled, as permitted by statute, for the total award of fifteen thousand dollars (\$15,000). 47 U.S.C. § 227(b)(3).

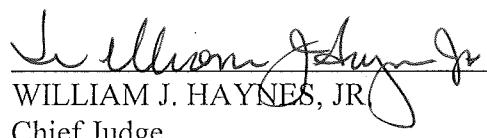
Upon de novo review, the Court adopts the Report and Recommendation and Plaintiff is **AWARDED** fifteen thousand dollars (\$15,000) against the Defendant SSS Secure Holdings, LLC doing business as Financial Services Center for which execution may issue. Plaintiff is also awarded his costs.

The Plaintiff's motions for default and for status (Docket Entry Nos. 13 and 20) are **DENIED as moot.**

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 25<sup>th</sup> day of March, 2013.

  
WILLIAM J. HAYNES, JR.  
Chief Judge  
United States District Court